

Application No. 09/715878
Page 5

Amendment
Attorney Docket No. S63.2P-10978-US02

Remarks

This Amendment is in response to the Office Action dated February 24, 2004.
Each issue in the official action is discussed below.

The amendment filed 8/14/2003 was objected to under 35 USC §132 asserting that because it introduces new matter into the disclosure. Specifically, it is asserted that the "as cut state" lacks support when related to certain claimed characteristics of the device, the details of which are described in the objection.

Although Applicant disagrees, the claims have been amended to remove the material which is being objected to. Withdrawal of the objection is therefore requested.

§112 Rejections

Claims 1-18 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Specifically, it is asserted that the "as cut state" lacks support when related to certain claimed characteristics of the device.

Although Applicant disagrees, the claims have been amended to remove the material which is being objected to. Withdrawal of the objection is therefore requested.

Claims 1-18 were rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. Specifically, it is asserted that the "as cut state" lacks support when related to certain claimed characteristics of the device.

Although Applicant disagrees, the claims have been amended to remove the material which is being objected to. Withdrawal of the objection is therefore requested.

Claims 1-18 were rejected under 35 USC §112, first paragraph, because the specification, while being enabling for a stent's in its expanded state, does not reasonably provide enablement for a stent's in its in its as cut state.

Although Applicant disagrees, the claims have been amended to remove the material which is being objected to. Withdrawal of the objection is therefore requested.

Application No. 09/715878
Page 6

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Attorney Docket No. S63.2P-10978-US02

The application is now believed to be in condition for allowance. If any further issues arise, the Examiner is invited to contact the undersigned.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: July 2, 2004

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